



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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**NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.**

# HOUSE WEEK IN REVIEW

The House of Representatives amended, approved and sent to the Senate **H.3097**, a bill establishing the **SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM** to utilize computer technology in order to expand the educational opportunities available to students. The legislation authorizes the State Board of Education to establish the program allowing students to take courses through the Internet in order to fulfill such purposes as offering courses that are not otherwise available at schools, resolving scheduling conflicts, providing a more flexible individualized pace of instruction, and offering another option for earning course credits in situations where a student has failed required classes or is at risk of failing. Of the seats available in courses offered through the South Carolina Virtual School Program, ninety percent shall be allocated to public schools for student enrollment. The remaining ten percent shall be allocated for student enrollment from private schools or home schools. However, if either allotment is under-utilized, either group may use unallocated seats. A student may be awarded such credits in a school year and throughout high school as determined by the governing body of the student's school district; except that a school district must allow a participating student at least three on-line credits in a school year and twelve on-line credits throughout high school. Neither the school, the district, nor the State is required to provide computer equipment or Internet access to students enrolled.

The bill requires that:

- districts must be provided access to credit recovery programs;
- students must take appropriate state assessments in a proctored environment;
- courses must be aligned with State standards and be approved;
- instructors must hold a valid teaching certificate or be approved by the SDE to teach the course;
- teachers must receive pre-service and in-service training from SDE;
- the State Board of Education must promulgate regulations for implementation;
- SDE must establish a pilot program to study feasibility of expanding services to include adult education; and;
- an annual report of participation and student success rates must be submitted to the General Assembly.

The bill also includes requirements for charter schools choosing to offer on-line or computer instruction, including requirements for:

- course approval;
- a plan for ongoing monitoring (i.e., proctored assessments in core subjects, and parent-teacher conferences in person or by telephone);
- in-person, outside-the-home instructional opportunities for students related to the student's curricular objectives (i.e., field trips, meetings with teachers);
- student attendance verification;
- documentation and verification of student progress in each course; and
- administering all applicable assessments in a proctored setting.

The bill provides that a charter school shall provide no more than seventy-five percent of a student's core academic instruction in K-12 via an on-line or computer instruction

program. The twenty-five percent of the student's core academic instruction may be met through activities including but not limited to meetings with teachers and educational field trips and outings.

The House amended and gave second reading approval to **H.3267**, a bill that provides for **ADDITIONAL CIRCUIT COURT JUDGES AND ADDITIONAL FAMILY COURT JUDGES**. The bill increases the number of at-large circuit court judges from 13 to 16. Also, the bill provides that there must be three additional family court judges elected by the General Assembly from the State-at-large for terms of office of six years. The legislation also creates a **JUDICIAL REAPPORTIONMENT STUDY COMMITTEE** to review the apportionment of the state's judicial circuits and to examine and evaluate the size of the existing judicial circuits with the goals of keeping counties whole and determining the appropriateness of having the larger counties contained within their own judicial circuits. The legislation provides for the membership of the committee and requires a report and recommendations to the General Assembly and the Governor no later than January 1, 2008.

The House amended, approved, and sent to the Senate **H.3310**, a bill allowing a person to carry a **HANDGUN** on or about his person in a vehicle if he has a valid concealable weapons permit.

The House amended, approved, and sent to the Senate **H.3135**. This joint resolution creates the **STUDY COMMITTEE ON SERVICE DELIVERY FOR PERSONS WITH EPILEPSY**. The purpose of the committee is to develop a statewide plan for epilepsy service delivery. The plan must designate a lead agency with primary responsibility for multi-disciplinary service delivery coordination. The plan also is to make recommendations for: (1) expansion of Medicare or Medicaid, or both, and other financial sources; (2) data system development for tracking incidence and prevalence of epilepsy; (3) public awareness and information programs, especially for schools; and (4) policy and legislative initiatives. The committee is to report to the General Assembly before July 1, 2008; the committee is to be abolished after that date.

The House approved **S.294** and enrolled the bill for ratification. Relating to **OFFENSES COMMITTED BY JUVENILES**, this bill clarifies that release for the offenses of assault and battery of a high and aggravated nature and assault with intent to kill must be determined by the Board of Juvenile Parole. Relating to review and release procedures for the Board and Department of Juvenile Justice (DJJ), this bill provides that statutory procedures apply to the Board. The bill further provides that DJJ shall establish policies and procedures governing its review and release procedures.

The House approved **S.132** and enrolled the bill for ratification. The bill provides that no more than one **ARKANSAS BLUE CATFISH** over 36 inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. These provisions apply to commercial as well as recreational fishermen.

## HOUSE COMMITTEE ACTION

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Tuesday, February 20, 2007.

**H.3021** received a favorable with amendment report from the full committee. This bill provides that effective July 1, 2007, the **OPEN SEASON FOR TAKING ANTLERED DEER** is August 15 through January 1, with archery equipment and firearms.

The full committee adjourned debate on **H.3258**, a bill that makes **HUNTING REVISIONS IN GAME ZONE ONE**.

**S.132** received a favorable report. The bill provides that no more than one **ARKANSAS BLUE CATFISH** over 36 inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. These provisions apply to commercial as well as recreational fishermen.

## EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

## JUDICIARY

The full committee met on Tuesday, February 20, 2007.

**S.294** received a favorable report from the full committee. Relating to **OFFENSES COMMITTED BY JUVENILES**, this bill clarifies that release for the offenses of assault and battery of a high and aggravated nature and assault with intent to kill must be determined by the Board of Juvenile Parole. Relating to review and release procedures for the Board and Department of Juvenile Justice (DJJ), this bill provides that statutory procedures apply to the Board. The bill further provides that DJJ shall establish policies and procedures governing its review and release procedures.

**H.3490**, which establishes the "**ALCOHOL EDUCATION PROGRAM ACT**," received a favorable with amendment report from the Judiciary Committee. This program may be a part of each circuit solicitor's Pretrial Intervention Program. The South Carolina Commission on Prosecution Coordination shall overview administrative procedures for the alcohol education programs in consultation with the Department of Alcohol and Other Drug Abuse Services. Alcohol education programs must include an educational and community service component. To be eligible for this program, an offender must be at least seventeen but less than twenty-one with no prior alcohol related offenses or significant history of prior delinquency or criminal activity. There is a \$250 dollar fee for enrollment in the program, and a person may be terminated from the program for violating any conditions of the program.

The Judiciary Committee gave a favorable recommendation to **H.3278**. This bill provides a **UNIFORM METHOD OF FILLING VACANCIES** in an elected or appointed

office when a person moves his residence outside of the area from which he was elected or appointed. These provisions apply to all elected and appointed offices.

If a person who has been elected or appointed to an office moves his residence outside of the area from which he was elected or appointed, the member shall notify the presiding officer within 15 days of the date of his residence change. If a member notifies the presiding officer that he has changed his residence to a place outside of the area from which he was elected or appointed, the presiding officer shall take action as further specified.

If the governing body, commission, board, or other body to which the person has been elected or appointed receives information that a member has moved his residence outside of the area from which he was elected or appointed and the information is obtained from a source other than the member, it shall vote in open session to determine whether the information supports removing the member from office on the basis that the member has moved from the area from which he was elected or appointed. If the vote is affirmative, the member must be afforded a public hearing unless he waives the hearing in writing. At the conclusion of the public hearing, the governing body, commission, board, or other body to which the person has been elected shall vote in open session whether the member should be removed from office on the basis that the member has moved from the area from which he was elected or appointed. If the vote is affirmative, the office is declared vacant and the presiding officer shall take action as further specified. If the vote is negative, the member continues in office.

If a position is determined to be vacant, the position must be filled as follows:

- (1) if the office originally was filled by appointment, the presiding officer shall notify the appointing officer or entity of the vacancy. Within 90 days after receiving notice, the officer or entity shall fill the vacancy by appointment for the remainder of the unexpired term; or
- (2) if the office originally was filled by election, the presiding officer shall notify the county election commission that the office is vacant. Upon receiving notice, the county election commission shall schedule a special election to fill the office for the remainder of the unexpired term.

**H.3212**, pertaining to the **ISSUANCE OF CONCEALABLE WEAPONS PERMITS**, received a favorable report. This bill requires that valid out-of-state permits to carry concealable weapons held by a resident of another state be honored by South Carolina. The legislation deletes the current provision that South Carolina will only honor out-of-state permits issued by a state with which South Carolina has reciprocity.

**H.3310** received a favorable with amendment report. This bill allows a person to carry a **HANDGUN** on or about his person in a vehicle if he has a valid concealable weapons permit.

The full committee adjourned debate on the following bills:

- **H.3142**, providing for **FOUR-YEAR TERMS FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES**

- **H.3230**, which prohibits **MORE THAN ONE NOMINATION FOR THE SAME OFFICE**
- **H.3157**, relating to **EJECTMENT PROCEEDINGS**

**H.3137**, which enacts the “**SOUTH CAROLINA CHILD ABUSE AND NEGLECT MEDICAL RESPONSE SYSTEM ACT**,” was recommitted to the General Laws Subcommittee.

## **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce, and Industry Committee met on Tuesday, February 20, and reported out several bills.

The committee submitted a report of favorable with amendments on **H.3034**, a bill establishing new green building **ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR NEW STATE BUILDINGS** with construction budgets exceeding fifteen million dollars. These new standards do not apply to: (1) design and construction of parking garages or outdoor sports facilities; (2) South Carolina State Ports Authority, South Carolina Public Service Authority, South Carolina Research Authority, South Carolina Department of Corrections, and a public entity exempted by the Budget and Control Board; (3) projects exempted by the Budget and Control Board as the result of evidence that compliance is clearly not in the best interest of the project; and (4) projects in design or being constructed on the effective date of this legislation.

The committee submitted a report of favorable with amendments on **H.3456**, the “**ABANDONED MANUFACTURED HOME REMOVAL ACT**.” The legislation provides a procedure for demolition and disposal of abandoned manufactured homes. The legislation provides for the notification that a landowner desiring to dispose of an abandoned manufactured home located on his property is to post on each door of the manufactured home for sixty consecutive days. The owner of the manufactured home and any lienholder have sixty days to respond, after the later of (1) the posting of the notice or (2) the mailing of the notice by certified mail, return receipt requested. If there is no response within that time, the legislation establishes the conditions under which the landowner may demolish the manufactured home and dispose of it without incurring liability. The legislation revises provisions relating to uncollectible real and personal property taxes, so as to allow the county auditor to waive and remove from the tax duplicate current and delinquent property taxes, assessments, costs, and fees from a manufactured home demolished and disposed of under this legislation.

The committee submitted a favorable report on **H.3481**, a bill pertaining to the **EXEMPTION FROM FIRE SPRINKLER CONTRACTOR PROVISIONS**. This bill provides that the provisions regulating fire sprinkler contractors do not apply to persons who are employed by public institutions to repair, alter, maintain, or inspect fire sprinkler systems, water spray systems, or water foam systems.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full committee met on Tuesday, February 20, 2007. **H.3135** received a favorable with amendment recommendation from the full committee. This joint resolution creates the **STUDY COMMITTEE ON SERVICE DELIVERY FOR PERSONS WITH EPILEPSY**. The purpose of the committee is to develop a statewide plan for epilepsy service delivery. The plan must designate a lead agency with primary responsibility for multi-disciplinary service delivery coordination. The plan also is to make recommendations for: (1) expansion of Medicare or Medicaid, or both, and other financial sources; (2) data system development for tracking incidence and prevalence of epilepsy; (3) public awareness and information programs, especially for schools; and (4) policy and legislative initiatives. The committee is to report to the General Assembly before July 1, 2008; the committee is to be abolished after that date.

## WAYS AND MEANS

The full House Ways and Means Committee met throughout the week and approved a \$7.3 billion proposed state government budget for the 2007-2008 fiscal year. Highlights of the proposed budget include:

- Full funding of the Education Finance Act Base Student Cost (\$2,476)
- \$60 million for school buses
- funds to provide the \$40 million that is the first phase of a proposed multi-year funding commitment to road construction and maintenance
- \$81 million for state income tax relief so as to reduce the personal income tax top marginal rate from 7 percent to 6.8 percent
- \$22 million to expand coverage of the Children's Health Insurance Program for children of low-income families
- \$3 million for the AIDS Drug Assistance Program
- \$4.5 million for treatment of autism and other Pervasive Development Disorders
- a 3 percent state employee pay raise
- \$39 million to address increased cost of state employee health insurance
- \$20 million for tourism promotion
- \$9 million for new law enforcement officers at the Department of Public Safety
- \$5 million for law enforcement officer vehicle fleet rotation
- \$41 million for elimination of unfunded liability of the Tuition Prepayment Program

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- \$2.6 million for additional full time employees in food service inspections and dairy product testing at the Department of Health and Environmental Control
- \$19 million for the new State Farmers' Market facilities
- \$2.5 million for an observatory, planetarium, and theater facility at the State Museum



# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **S.132 ARKANSAS BLUE CATFISH Sen. Mescher**

This bill provides that no more than one Arkansas blue catfish over 36 inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. The provisions apply to commercial as well as recreational fishermen.

### **H.3549 PROHIBITIONS ON THE SALE OF WILD CARNIVORES AND DOMESTICATED FERRETS AS PETS Rep. Miller**

This bill amends S.C. Code Ann. §47-5-50, relating to prohibitions on the sale of wild carnivores and domesticated ferrets as pets. The bill provides that this statute does not apply to facilities inspected by the United States Department of Agriculture.

### **H.3557 ELK HUNTING Rep. Rice**

The bill provides that it is unlawful to take or attempt to take elk except as permitted by regulation of the Department of Natural Resources. Penalties for violations are provided.

## JUDICIARY

### **S.66 TRANSFER OF ALCOHOLIC BEVERAGES TO A MINOR Sen. Martin**

This bill allows for a person under the age of twenty-one who is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer of alcoholic beverages to a minor. This bill provides that it is unlawful to transfer an alcoholic beverage to a person under the age of twenty-one regardless of the minor's intent. This bill further clarifies exceptions for certain college students. The bill also provides for driver's license suspension for certain offenses.

### **S.157 "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2007" Sen. McConnell**

Under this legislation, any student enrolled in a school that commits simple assault and battery against a person affiliated with a school in an official capacity, when the offense occurs on school grounds or at a school event, or when the offense is directly related to the school official's professional responsibilities is guilty of a misdemeanor. The penalty upon conviction is a fine of not more than \$500 or 30 days imprisonment, or both.

Likewise, any student enrolled in a school that commits assault and battery (other than one that is aggravated) against a person affiliated with a school in an official capacity, when the offense occurs on school grounds or at a school event, or when the offense is directly related to the school official's professional responsibilities, is guilty of a misdemeanor. The penalty upon conviction is a fine of not more than \$5,000 or not more than one-year imprisonment, or both.

Any student enrolled in a school that commits assault and battery of a high and aggravated nature against a person affiliated with a school when the offense occurs on school grounds or at a school event, or when the offense is directly related to the school official's professional responsibilities is guilty of a felony. The penalty upon conviction is a fine of not more than \$5,000 or not more than 10 years imprisonment, or both. A person is guilty of assault and battery of a high and aggravated nature, if the person intentionally commits an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim.

Among other things, this bill provides that any person who was a victim of an offense listed above and was injured to the extent that the injuries prevent the individual from returning to the former position with the school district must be allowed to continue to participate in all retirement, insurance, and deferred compensation programs that the individual was enrolled in at the time of the injury.

**S.196 "FAMILY COURT REFORM ACT OF 2007" Sen. Ritchie**

This legislation makes comprehensive reforms pertaining to family court, including:

- Clarifies that an action in family court is subject to the South Carolina Frivolous Proceedings Sanctions Act
- Revisions pertaining to the payment of alimony and child support
- Creation of the South Carolina Family Court Hearing Officer Act
- Authorizes the Department of Social Services to file a civil action against those individuals that made a report of suspected child abuse and neglect maliciously or in bad faith
- Under certain circumstances, allows individuals to petition the court to release the identity of the person making an unfounded report of abuse or neglect
- Creation of the South Carolina Family Law Mediation Act

**H.3547 CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT Rep. Moss**

This bill clarifies the circumstances under which a perpetrator's name must be placed in the Central Registry of Child Abuse and Neglect maintained by the Department of Social Services. If the court finds that a perpetrator physically neglected, severely neglected, or repeatedly neglected a child, then this bill provides that perpetrator's name must be placed in the registry.

**H.3548 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS Rep. Moss**

This bill provides that the institutionalization of the parent, including incarceration, renders it improbable for the parent to care for the child for an extended period of time is an additional ground for the termination of parental rights.

**H.3556 PUBLIC INSPECTION FOR GUARDIAN AD LITEM FEES**

**Rep. Umphlett**

This bill requires the clerk of court to maintain for public inspection a record of the amount of fees paid to each individual serving as a guardian ad litem in cases in that county.

**H.3559 GRAFFITI VANDALISM Rep. Scott**

This bill creates the offense of engaging in illegal graffiti vandalism and provides a graduated penalty scheme for the offense.

**H.3572 "TRAFFIC DIVERSION PROGRAM ACT" Rep. Hagood**

This bill provides that each solicitor as part of his Pretrial Intervention Program has the authority to establish a program for persons who commit traffic-related offenses punishable by a fine or loss of points.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3565 RESIDENTIAL REAL ESTATE TRANSACTIONS Rep. Scott**

This bill revises procedures regarding disputed money from residential real estate transactions.

**H.3570 REQUIRED HEALTH INSURANCE COVERAGE FOR COLORECTAL CANCER EXAMINATIONS AND LABORATORY TESTS**

**Rep. Cobb-Hunter**

This bill revises provisions requiring health insurance coverage for certain diagnostic and laboratory tests so as to also require coverage for colorectal cancer examinations and laboratory tests.

## **WAYS AND MEANS**

**S.243 "SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT**

**ACT" Sen. Setzler**

This bill establishes within the State Treasurer's Office the South Carolina Hydrogen Infrastructure Development Fund. Revenues of the fund must be distributed in the form of grants to the South Carolina Hydrogen and Fuel Cell Alliance and subgrantees to promote the development of fuel cell technology. A total of fifteen million dollars in grants may be made from the Fund, and neither grants nor subgrants may be made after June 30, 2012. The South Carolina Research Authority shall administer and distribute the subgrants. The Authority is required to submit an annual report to the Governor and General Assembly concerning the Fund. The Fund is authorized to receive donations, grants and any other funding as provided by law, and taxpayers may receive state income tax credits for contributions subject to certain limitations. The legislation also authorizes the Fund to receive automatic appropriations from the General Fund: seven million dollars for fiscal year 2007-08; five million dollars for fiscal year 2008-09; and three million dollars for fiscal year 2009-10. Revenues, regardless of source, remaining in the Fund after June 30, 2012, relapse to the General Fund. Two percent of the gross profits derived from the sale of hydrogen and fuel cell products or services developed by a grant or subgrant recipient, organized and operating as a for-profit business entity must be annually remitted until the full amount of the original grant or subgrant has been repaid. The legislation requires state agencies to consider purchasing equipment and machinery operated by hydrogen fuel cells. Additionally, the legislation provides for a sales tax exemption for equipment or machinery operated by or used to distribute hydrogen fuel cells and for equipment and machinery used predominately for research and development of hydrogen fuel cells.

**S.366 IMPLEMENTATION OF PROPERTY TAX REVISIONS Sen. Hayes**

This bill establishes a three-tiered reimbursement procedure for the Homestead Exemption Fund and provides for other revisions necessary for implementing property tax revisions approved in 2006.

**S.367 IMPLEMENTATION OF PROPERTY TAX REVISIONS Sen. Hayes**

This bill establishes a three-tiered reimbursement procedure for the Homestead Exemption Fund and provides for other revisions necessary for implementing property tax revisions approved in 2006.

**S.397 DEPARTMENT OF MENTAL HEALTH TO TRANSFER MONEY TO THE CITY OF COLUMBIA FOR HOMELESS PROGRAMS Sen. Patterson**

This joint resolution directs the Department of Mental Health must transfer to the City of Columbia the funds appropriated pursuant to Proviso 73.17, Act 397 of 2006, for the renovation and operation of the Williams Building Cooperative Ministries Homeless Shelter. The City of Columbia must use the transfer to benefit other homeless programs and must provide documentation annually on related expenditures until all funds are expended.

**H.3551 EDUCATION FINANCE ACT FUNDS DISTRIBUTED SOLELY ON A WEIGHTED PUPIL UNIT BASIS Rep. Herbkersman**

This bill provides that beginning with the year 2007, state funds distributed to a school district under the Education Finance Act must be distributed solely on a weighted pupil unit basis without regard to a district's index of taxpaying ability.

**H.3560 VENTURE CAPITAL INVESTMENT ACT REVISIONS Rep. Crawford**

This bill revises definitions within the Venture Capital Investment Act of South Carolina, so as to specify the investments in activities at certain stages of business development that represent venture capital investments. The bill revises provisions for the selection of investment plans by the South Carolina Venture Capital Authority, so as to require that activities in certain stages of business development be selected in certain percentages for investment.

**H.3562 "HEALTHY COMMUNITIES CAPACITY ACT" Rep. Whipper**

This bill enacts the "Healthy Communities Capacity Act." The legislation establishes the Small Business Health Insurance Premium Assistance Program within the Department of Health and Human Services to provide health insurance premium assistance to small businesses for employees who are at or under two hundred percent of the federal poverty level. The legislation establishes eligibility criteria and requires eligible employees to contribute up to fifteen percent of the premium cost. Enrollment caps are required such that no more funds are expended than are available from the Medicaid Match Fund. The legislation provides that this program must be funded from a portion of an additional 4.65 cents per cigarette license tax which must be adjusted annually based on the Consumer Price Index. DHHS is directed to apply for a Medicaid waiver to implement this program. The department shall provide Medicaid coverage to children eighteen years of age and younger whose family incomes do not exceed two hundred percent of the federal poverty level. The legislation creates the Medicaid Match Fund into which a portion of the additional cigarette tax must be deposited. The legislation provides for the distribution of the remaining portion of the additional tax to the Department of Health and Environmental Control, the Parks and Recreation

Development Fund, the State Department of Education, and the Department of Agriculture. The legislation establishes the Second Chance Quit Assistance Program within the Department of Health and Human Services to provide additional counseling to expanded smoking cessation services for Medicaid smokers who have unsuccessfully attempted to quit smoking under current Medicaid programs. The department is directed to apply for a Medicaid waiver for this program. The legislation provides that funding for this program must be provided from the Medicaid Match Fund, and provides that funding for the Small Business Health Insurance Premium Assistance Program takes priority over the Second Chance Quit Assistance Program.

**H.3563 *ATHLETIC FACILITIES REVENUE BONDS* Rep. Limehouse**

This bill revises provisions for athletic facilities revenue bonds for Clemson University and for the University of South Carolina so as to raise the outstanding debt limit for these bonds to two hundred million dollars.

**H.3567 *CIGARETTE TAX* Rep. Rice**

This bill increases the amount of tax on each cigarette from three and one-half mills to two cents provides that the revenue generated from the taxation on cigarettes must be used to expand Medicaid coverage to children eighteen years of age and younger whose family income does not exceed two hundred percent of the federal poverty level. The legislation creates the Health Care Trust Fund to provide Medicaid benefits to individuals whose family income does not exceed one hundred percent of the federal poverty level and who are uninsured and provides that revenue in excess of the children's Medicaid coverage from the cigarette tax must be credited to the Health Care Trust Fund. The legislation provides and reduces the sales tax on unprepared food to two percent as of July 1, 2007, and one percent as of July 1, 2008, and eliminates the tax as of July 1, 2009. The legislation provides for certain General Fund transfers to the Education Improvement Act Fund for each fiscal year to offset revenues lost as a result of the elimination of sales tax on the sale of unprepared food.

**H.3568 “AGRITOURISM” UNDER AGRICULTURAL USE PROPERTY TAX  
CLASSIFICATION Rep. Thompson**

This bill provides for additional “agritourism” uses for agricultural real property that do not affect the eligibility of the property for agricultural use classification for purposes of the property tax.

**H.3569 SOUTH CAROLINA WIRELESS TECHNOLOGY AND  
COMMUNICATIONS COMMISSION Rep. Harrell**

This joint resolution creates the South Carolina Wireless Technology And Communications Commission for the purpose of implementing a statewide wireless broadband network.

**H.3574 INDEX OF TAXPAYING ABILITY Rep. Herbkersman**

This bill the revises the definition of “index of taxpaying ability” utilized in education funding provisions so as to provide that the index is comprised of three equally weighted components that measure assessed value, reduced and free lunch, and real wages. The legislation revises provisions for the computation of the required local revenue in support of the foundation program, so as to provide that the computation shall equally weigh each of the three components of the index of taxpaying ability.

**H.3575 DEPARTMENT OF TRANSPORTATION RESTRUCTURING  
Rep. Young**

This bill provides for comprehensive revisions to the governance and operation of the Department of Transportation. The legislation provides that Secretary of Transportation is appointed by the Governor and serves at his pleasure. The legislation revises the Department of Transportation Commission, providing for new qualifications criteria, election procedures, terms of office, compensation limits, and ethics requirements. The legislation establishes a Transportation Review Committee to screen candidates for appointment to the Commission. The legislation establishes priority criteria for selection of projects. The legislation revises Procurement Code exemption provisions for the Department. The legislation establishes new requirements for audits. The legislation provides that state individual and corporate income tax revenues must be credited to the Department of Transportation for road construction and maintenance as follows: for Fiscal Year 2007-2008 \$40 million; for Fiscal Year 2008-2009 \$80 million; for Fiscal Year 2009-2010 \$120 million; for Fiscal Year 2010-2011 \$160 million; and for Fiscal Year 2011-2012 and thereafter \$200 million.

**H.3576 EXEMPTION FROM “BLUE LAWS” Rep. E.H. Pitts**

This bill revises provisions for the exemption of certain counties from “Blue Laws” regulating activities on Sunday, so as to reduce the required amount of accommodations tax revenues collected in a county during a fiscal year which exempts a county from these Blue Law provisions.

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